

## Exhibit D: Declaration of Jonathan Schmalfeld

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*Attorneys for Defendants iX Global LLC, Joseph A. Martinez,  
and Travis A. Flaherty*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

DIGITAL LICENSING INC. dba DEBT Box,  
a Wyoming corporation, et al.,

Defendants/Relief Defendants.

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**DECLARATION OF JONATHAN  
SCHMALFELD IN SUPPORT OF IX  
GLOBAL DEFENDANTS' PETITION  
FOR FEES**

Case No. 2:23-cv-00482-RJS-DBP  
Chief Judge Robert J. Shelby  
Magistrate Judge Dustin B. Pead

I, Jonathan E. Schmalfeld, pursuant to 28 U.S.C. § 1746, declare and state as follows:

1. I am over twenty-one years of age and am an attorney licensed by the states of Missouri and Illinois.

2. I make this Declaration in support of the Defendants iX Global LLC, Joseph A. Martinez, and Travis A. Flaherty (the "iX Global Defendants") Petition for Fees.

3. I have personal knowledge of the matters set forth herein.

4. I am an attorney based in St. Louis and my practice specializes in blockchain matters and data privacy. Particularly, I have a practice which specializes in legal representation for blockchain industry participants, and have spoken and written on the topic multiple times. Many of those publications and events are listed in my firm biography, available at <https://www.polsinelli.com/jonathan-e-schmalfeld>.

5. My time in this matter was billed at a rate of \$515/h. This is approximately 20% below the national rate which I bill at for similar matters to the instant matter.

6. I have reviewed the Court's Memorandum Decision and Order dated March 18, 2024. Dkt. # 275.

7. I understand that the Court Ordered the iX Global Defendants to submit a petition for fees setting forth in detail all attorneys' fees and legal costs arising from the TRO and appointment of the Receiver. *Id.* at pg. 77.

8. I further understand that the fees submitted for payment specifically exclude work attributable to the Motions to Dismiss filed by the defendants in this matter (including the iX Global Defendants) and work done in preparing the responses to the Commission's Response to the Order to Show Cause. *Id.* at pg. 77-78.

9. I have carefully reviewed my billing in this matter, and have removed from the Court's consideration all billing which was for work not arising from the TRO or Receiver.

10. Where a billing entry contained time attributable the TRO/ Receiver and other matters explicitly excluded from the Court's Order or otherwise unrelated to the TRO/ Receiver, I have revised the time for that entry to only include time attributable to the TRO/ Receiver.

11. I can confirm that, to the best of my ability, for all the entries which I am the listed billing attorney on **Exhibit A** attached to iX Global Defendants Petition for Fees, only my time and expenses which are attributable to the TRO/ Receiver are included.

I declare under penalty of perjury that the foregoing is true and correct.



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Jonathan E. Schmalfeld